

AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1245

Introduced by Assembly Members Martinez and Bordonaro
(Coauthor: Senator Rosenthal)

February 28, 1997

An act to ~~amend and repeal Section 3440 of, and to amend, repeal, and add Sections 3306 and 3354 of, , 3354, and 3440 of, and to add Section 3451.5 to,~~ the Business and Professions Code, relating to hearing aid dispensers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, Martinez. Hearing aid dispensers.

(1) Existing law provides procedures for the licensing of hearing aid dispensers by the Hearing Aid Dispensers Examining Committee. Existing law prescribes requirements for the issuance of these licenses. Among other things, an applicant is required to possess a high school diploma or its equivalent as a condition of licensure as a hearing aid dispenser.

This bill would require, instead, that the applicant possess a high school diploma or its equivalent, a baccalaureate degree or an audioprosthologist certification from the American Conference of Audioprosthology, or be a Board Certificated Hearing Instrument Specialist (BC-HIS) or its equivalent. ~~The bill would also require the applicant to have worked under the immediate supervision of a hearing aid dispenser currently licensed in this state for a minimum of 120~~

~~clock hours prior to licensure.~~ These requirements would become operative January 1, 1999.

(2) Existing law provides that the above-described provisions regulating hearing aid dispensers neither license nor prohibit the testing of hearing. However, existing law provides that these provisions apply when testing is conducted by licensed hearing aid dispensers in connection with the fitting and selling of hearing aids.

This bill would ~~repeal this provision~~, on January 1, 1999, *repeal the above language that provides that the provisions regulating hearing aid dispensers neither license nor prohibit the testing of hearing.* The bill would make a conforming change that would become operative on January 1, 1999.

Existing law provides that every permanent hearing aid dispenser license expires one year following the assigned renewal date. Existing law requires, to renew an unexpired license, that a licensee, on or before the date of expiration of the license, apply for renewal on a form provided by the committee, accompanied by the prescribed renewal fee.

This bill would require, in addition, any person who renews his or her permanent hearing aid dispenser license on or after January 1, 1999, as a condition of the renewal of that license, to possess a baccalaureate degree or an audioprosthologist certification from the American Conference of Audioprosthology, or be a Board Certificated Hearing Instrument Specialist (BC-HIS) or its equivalent.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3306 of the Business and
2 Professions Code is amended to read:
3 3306. (a) "Practice of fitting or selling hearing aids,"
4 as used in this chapter, means those practices used for the
5 purpose of selection and adaptation of hearing aids,
6 including direct observation of the ear, testing of hearing
7 in connection with the fitting and selling of hearing aids
8 as provided in Section 3440, taking of ear mold

1 impressions, fitting or sale of hearing aids, and any
2 necessary postfitting counseling.

3 The practice of selling hearing aids does not include the
4 act of concluding the transaction by a retail clerk.

5 When any audiometer or other equipment is used in
6 the practice of fitting or selling hearing aids, it shall be
7 kept properly calibrated and in good working condition,
8 and the calibration of such audiometer or other
9 equipment shall be checked at least annually.

10 (b) This section shall remain in effect only until
11 January 1, 1999, and as of that date is repealed, unless a
12 later enacted statute, that is enacted before January 1,
13 1999, deletes or extends that date.

14 SEC. 2. Section 3306 is added to the Business and
15 Professions Code, to read:

16 3306. (a) "Practice of fitting or selling hearing aids,"
17 as used in this chapter, means those practices used for the
18 purpose of selection and adaptation of hearing aids,
19 including direct observation of the ear, testing of hearing
20 in connection with the fitting and selling of hearing aids,
21 taking of ear mold impressions, fitting or sale of hearing
22 aids, and any necessary postfitting counseling.

23 The practice of selling hearing aids does not include the
24 act of concluding the transaction by a retail clerk.

25 When any audiometer or other equipment is used in
26 the practice of fitting or selling hearing aids, it shall be
27 kept properly calibrated and in good working condition,
28 and the calibration of the audiometer or other equipment
29 shall be checked at least annually.

30 (b) This section shall become operative on January 1,
31 1999.

32 SEC. 3. Section 3354 of the Business and Professions
33 Code is amended to read:

34 3354. (a) The committee shall issue a license to all
35 applicants who have satisfied this chapter, who are at least
36 18 years of age, who possess a high school diploma or its
37 equivalent, who have not committed acts or crimes
38 constituting grounds for denial of licensure under Section
39 480, and who have paid the fees provided for in Section

1 3456. No license shall be issued to any person other than
2 an individual.

3 (b) This section shall remain in effect only until
4 January 1, 1999, and as of that date is repealed, unless a
5 later enacted statute, that is enacted before January 1,
6 1999, deletes or extends that date.

7 SEC. 4. Section 3354 is added to the Business and
8 Professions Code, to read:

9 3354. (a) The committee shall issue a license to any
10 applicant who has satisfied this chapter and who meets
11 the following requirements:

12 (1) Is at least 18 years of age.

13 (2) Possesses a high school diploma or its equivalent

14 (3) Possesses a baccalaureate degree or an
15 audioprosthologist certification from the American
16 Conference of Audioprosthology or is a Board Certified
17 Hearing Instrument Specialist (BC-HIS) or its
18 equivalent.

19 ~~(4) Has worked under the immediate supervision of a~~
20 ~~hearing aid dispenser currently licensed in this state for~~
21 ~~a minimum of 120 clock hours prior to licensure.~~

22 ~~(5)~~

23 (4) Has not committed acts or crimes constituting
24 grounds for denial of licensure under Section 480.

25 ~~(6)~~

26 (5) Has paid the fees provided for in Section 3456. No
27 license shall be issued to any person other than an
28 individual.

29 (b) This section shall become operative on January 1,
30 1999.

31 SEC. 5. Section 3440 of the Business and Professions
32 Code is amended to read:

33 3440. (a) This chapter neither licenses nor prohibits
34 the testing of hearing. When tests are conducted by
35 persons licensed under this chapter in connection with
36 the fitting and selling of hearing aids, the provisions of this
37 chapter shall apply.

38 (b) This section shall remain in effect only until
39 January 1, 1999, and as of that date is repealed, unless a

1 later enacted statute, that is enacted before January 1,
2 1999, deletes or extends that date.

3 *SEC. 6. Section 3440 is added to the Business and*
4 *Professions Code, to read:*

5 *3440. (a) When tests are conducted by persons*
6 *licensed under this chapter in connection with the fitting*
7 *and selling of hearing aids, the provisions of this chapter*
8 *shall apply.*

9 *(b) This section shall become operative on January 1,*
10 *1999.*

11 *SEC. 7. Section 3451.5 is added to the Business and*
12 *Professions Code, to read:*

13 *3451.5. On and after January 1, 1999, any person who*
14 *renews a permanent license pursuant to subdivision (c)*
15 *of Section 3451 shall as a condition of the renewal of that*
16 *license have satisfied at least one of the following*
17 *requirements:*

18 *(a) Possess a baccalaureate degree.*

19 *(b) Possess an audioprosthologist certification from*
20 *the American Conference of Audioprosthology.*

21 *(c) Be a Board Certified Hearing Instrument*
22 *Specialist (BC-HIS) or its equivalent.*

